

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA

v.

Criminal Case No. 2:24-cr-16

JOSEPH ALLEN,
Defendant.

SCHEDULING ORDER

With respect to the jury trial in this case scheduled to begin on **June 10, 2024, at 10:00 a.m.**, the Court ORDERS as follows:

1. Motions in Limine. The parties, absent good cause shown, shall file motions in limine **not later than twenty-one (21) days before trial**. Responses are due **not later than seven (7) days thereafter**, and any replies are due **not later than three (3) days thereafter**.

2. Trial Brief. In complex matters, the Court encourages, but does not require, counsel for each party to file a trial brief setting forth their view of the case and the elements of the offenses charged, so that the Court has a basic understanding of the case to be tried. Counsel shall also identify any unusual evidentiary issues that may arise during the trial, along with any authority that pertains to the issue. Trial briefs shall be filed **not later than seven (7) days before trial**. Motions in limine may not be included in the Trial Brief because the Trial Brief is designed to be an informational aid, not a mechanism to grant a party relief.

3. Jury Instructions and Verdict Form. The parties shall exchange proposed jury instructions **not later than thirteen (13) days before trial**, and thereafter, the parties must meet and confer on those instructions in order to reach agreement on as many jury instructions as possible.

Not later than seven (7) days before trial, the parties shall jointly file a set of agreed-upon proposed jury instructions, including all requested standard instructions. The parties shall also jointly file a proposed verdict form. At that time, the parties must each also file any proposed jury instructions that are disputed. In cases that involve multiple defendants, one submission may be made on behalf of all defendants if the defendants are in agreement. Defense counsel are encouraged to coordinate defense jury instructions to the extent practicable. For ease of reference, agreed instructions shall be labeled “J-1,” “J-2,” etc.; the government is directed to label their proposed disputed jury instructions with the letter “G”; and the defendants are directed to label their proposed jury instructions with the letter “D.” Disputed instructions shall be numbered in the order that the instruction should appear (e.g., if the parties disputed the third instruction, they should be labeled “J-1,” “J-2,” “G-3,” “D-3,” “J-4,” etc.) For disputed instructions, the parties should each file a brief containing the stated objections, argument supporting alternative instructions, and any authority on the issue **not later than three (3) days** after the filing of the disputed instructions. These briefs are not to exceed five (5) pages.

For the parties’ joint submission of agreed-upon proposed jury instructions, copies with and without citations should be provided. For the parties’ individual submissions of disputed proposed jury instructions, only copies with citations should be provided. In addition to the electronically filed versions, the parties are directed to supply versions of the jointly proposed and disputed instructions in Microsoft Word format, which should be emailed to Chambers. Instructions should not be all capitalized.

As the trial commences, the parties may submit supplemental proposed jury instructions or withdraw previously proposed instructions based on the evidence and rulings in the case.

The Court will instruct the jury after closing arguments and provide a copy of the jury instructions to the jury for its use during deliberations.

4. Voir Dire. Counsel for each party shall individually file electronically any proposed *voir dire* **not later than seven (7) days before trial**. Any objections shall be filed **not later than three (3) days** after the filing of the requested *voir dire*. Counsel shall also provide a copy of the proposed *voir dire* in WORD format via e-mail to Chambers.

5. Audio or Video Recordings. The Court further ORDERS that if either party intends to introduce an audio or video recording into evidence, such party shall prepare a written transcript of the recording to accompany the recording. **Not later than seven (7) days before trial**, any written transcript shall be provided to opposing counsel.

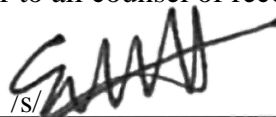
6. Stipulations. **Not later than four (4) days before trial**, the parties shall jointly file any stipulations.

7. Exhibit & Witness Lists. The Court further ORDERS that **not later than four (4) days before trial**, the government shall provide to Chambers a copy of all exhibits, an exhibit list, and a witness list. The defendants are encouraged, but not required, to do the same. The exhibits may be delivered in electronic format (e.g., on a thumb drive or disc) instead of hard copies if the parties prefer.

Nothing in this Order shall be construed to impact the deadlines for discovery as set forth in Fed. R. Crim. P. 16 or as agreed to by the parties, as well as any of the requirements set forth in 18 U.S.C. § 3500 or Fed. R. Crim. P. 26.2.

The Clerk is directed to provide a copy of this Order to all counsel of record.

It is SO ORDERED.

A handwritten signature in black ink, appearing to read 'Elizabeth W. Hanes', is written over a horizontal line.

Elizabeth W. Hanes
United States District Judge

Norfolk, Virginia
Date: April 29, 2024